

2. Reason for reporting to Committee:

2.1 The application is being heard owing to local interest and for Members information.

3. The Site:

3.1 The site comprises redundant brownfield land previously in use as a paper mill. The majority of the buildings associated with the paper mill have been demolished and the site levelled. The site has an area of approximately 2.98 hectares and is reached from the northern end via New Hythe Lane.

3.2 Immediately to the east is a public footpath with the River Medway beyond, whilst to the west is the Maidstone to Rochester railway line with industrial areas beyond.

3.3 The site is located within an established industrial area which is identified for employment purposes in the Tonbridge & Malling Borough Council Development Land Allocations DPD. The land is also safeguarded under Core Strategy policy CP21 for employment purposes (B1, B2, B8).

4. Planning History:

TM/00/00042/RD	Grant	11 May 2000
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details of ground investigation submitted pursuant to condition 5 of planning permission TM/98/01720/FL: recyclable fibre preparation plant and anaerobic effluent treatment plant building

TM/00/02170/FL	Grant With Conditions	17 November 2000
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Anaerobic effluent treatment plant equipment

TM/01/02563/FL	Grant With Conditions	12 November 2001
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Extension of paper stackyard and relocation of lighting towers from island site

TM/01/03347/ORM	ORM approved	13 February 2002
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Amendment to include a generator to produce electrical power in connection with planning permission TM/00/02170/FL: anaerobic effluent treatment plant equipment

TM/02/01463/FL	Grant With Conditions	28 June 2002
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Construction of new truck maintenance bay

TM/60/10373/OLD grant with conditions 15 November 1960

Extension to kitchen

TM/65/10663/OLD grant with conditions 14 January 1965

A roll grinding workshop.

TM/77/10113/FUL grant with conditions 26 October 1977

Erection of replacement of general office block. i

TM/77/10592/FUL grant with conditions 4 May 1977

Erection of a Williett (Industrial Buildings) Limited prefabricated building for office use to be transferred from another site within Reed International Limited, for Reed Medway Sacks Limited.

TM/81/10839/FUL grant with conditions 29 September 1981

Erection of 3m high chain link fencing and 4 lamp standards each 10m high ancillary to new pulp stacking area.

TM/98/01720/FL Grant With Conditions 23 December 1998

recyclable fibre preparation plant and anaerobic effluent treatment plant building

TM/99/01311/RD Grant 8 November 1999

details of desk study for site investigation for contamination pursuant to permission TM/98/1720: recyclable fibre preparation plant & anaerobic effluent treatment plant building

TM/02/02877/FL Grant With Conditions 12 November 2002

Relocation of 2 no. lighting towers from Island site to stock preparation plant/paper stack yard

TM/03/02775/FL Grant With Conditions 30 September 2003

Construction of new amenities building for conveyor belt loaders

TM/06/00378/FL Grant With Conditions 27 March 2006

Generator to produce electric power in connection with existing anaerobic effluent treatment plant

5. Consultees:

- 5.1 DHH: The principal Environmental Protection issues connected with this application are noise and air quality.
- 5.2 The applicants' noise consultants (RPS Planning & Development Ltd) report identifies the likely noise sources at the proposed site. Whilst I do not agree that an "impulse" correction should not be applied (ref. para 4.7), as BS4142 makes no provision for such omission, I am happy that the report appraises the effect of the likely noise sources on the nearest Noise Sensitive Receptors (NSRs). I would agree with RPSs conclusions in Section 6 of the report and would recommend that the Woodchip Processing Facility be required to have a roller shutter door and that this be required to be closed before any machinery therein is operated. Similarly, all vehicles operating at the site should be fitted with broadband reversing alarms. Both of these actions will minimise the disturbance to NSRs. I am content with RPSs report into the likely effect of traffic noise and that this will have a negligible effect.
- 5.3 With reference to Air Quality Assessment Report, submitted by the Applicants Consultants RPS, I would agree with the findings in relation to the potential for dust emissions both during the construction phase and whilst operating. I believe that whilst there is the potential for dust emissions from the site, they can be adequately controlled by following the measures outlined in Section 7 (Mitigation and Enhancement) of the report.
- 5.4 In the same report the Air Quality pollutants for Local Air Quality Management are considered. Whilst I have some questions regarding the detail within this element of the report, I note from the Traffic Assessment report that it concludes that the extant consent for the site has been shown to generate more daily vehicle movements than the proposals for the combined development of the entire site. The proposed Metals Recovery Facility, Metals Recycling Facility and gasification plant are predicted to result in a net decrease in daily vehicle movements at the site. Hence I would concur that the proposed MeTRF will have negligible impact on the Air Quality.
- 5.5 It is recommended that an informative should be attached to any consent stating that the applicants will need to register with Environmental Health under the provisions of the Scrap Metal Dealers Act 1964 and will need to register an exemption with the Environment Agency.

- 5.6 East Malling & Larkfield PC: consider the proposal to be premature pending the approval of the draft Minerals & Waste plan. It is accepted that the site has been in industrial use for many years but it is thought to be preferable if the whole site could be considered as one so the impacts can be assessed together. There is concern about the effect on the local road network and the associated air quality/pollution aspects, noise and vibration. Access to the site via the southern section of New Hythe Lane should be prevented due to the harm to residential amenities. There may be flood risk issues if the flood wall is breached by hazardous wastes.
- 5.7 The Parish Council have suggested various conditions to cover hours of operation, colour of the building, height restriction on storage levels, level of illumination, prevention of the use of New Hythe Lane south of Bellingham Way, restoration of the riverside path and need to keep PROW clear. No surface water should be discharged in to the river unless properly treated, landscaping should be introduced and there should be a legal agreement to extinguish the planning rights to the Millhall site.
- 5.8 Ditton PC: no objection but does have concerns about the increase in traffic-in particular the effect on New Hythe Lane and the additional pollution that may be caused. This Council would welcome use of the River and rail in the transport of materials to the site.
- 5.9 Leybourne PC: feels that the increase in lorry traffic and the resulting congestion on Leybourne Way, Castle Way/A228/M20 junction 4 would be unacceptable.
- 5.10 Highways Agency: No objection.
- 5.11 Southern Water: notes there are no public sewers in the vicinity. If the developer proposes to make a discharge to a public sewer then this may be considered as a Trade Effluent. Details of the proposed means of the disposal of foul and surface water sewerage should be discussed with Southern Water and approved by the LPA.
- 5.12 Environment Agency: notes the proposal will only be acceptable if conditions are attached to manage the risk of surface water flooding.
- 5.13 Neighbours: At the time of preparing the report KCC had received 8 letters of representation from neighbours. Comments have been made about traffic noise, congestion, road safety and pollution with a high number of lorries and the associated effect on the condition and value of properties. It is suggested that access to the site should be via the river and railway. It is noted that the nature of the area has altered with the construction of new houses.

6. Determining Issues:

- 6.1 Policy Context: numerous local and national policies are relevant to the determination of this application. Some of the most relevant are:-
- 6.2 PPS10-Planning for Sustainable Waste management and PPS23-Planing and pollution control. These encourage communities to take responsibility for their own waste and identifies brownfield and industrial sites as being suitable for waste management facilities.
- 6.3 Kent Waste Local Plan saved policy W9 identifies New Hythe Lane as a location that is considered suitable in principle for proposals for waste separation and transfer.
- 6.4 Minerals & Waste Core Strategy-Issues Consultation (Sep 2010).
- 6.5 Tonbridge & Malling Borough Council Development Plan Document "Managing Development and the Environment" policy SQ4 concerns air quality and air polluting uses.
- 6.6 In terms of policy CP21 it is recognised that the site is within an area that is safeguarded for employment purposes. The location of the proposed metals recycling facility within an established industrial area is considered to be a suitable location and the use would be compatible with existing developments in the area.
- 6.7 Screening Opinion-this was previously submitted to KCC who concluded that the proposal constitutes Schedule 2 development but is not considered likely to have significant effects upon the environment by virtue of its size or location. The proposal needs to be accompanied by an environmental statement.
- 6.8 Vehicle Movements-It is anticipated that of the overall operating capacity of 100,000tpa there would be approximately 86 HGV movements/day (172 two way movements) and up to 40 two way staff vehicle movements/day. This would result in a total of 212 two way movements/day. No indication has been given that it would be feasible to move waste metals onto the site via the river Medway.
- 6.9 Visual appearance-The tallest building would be 19.6m above ground level. It is noted that although it would be visible above intervening vegetation, the style of the buildings would be in keeping with the existing buildings within the adjoining paper mill complex. The scheme would not result in any significantly adverse effects upon views or townscape/landscape character.
- 6.10 Residential amenity-In order to reach the site it will be necessary for delivery vehicles to possible residential properties along Leybourne Way and part of New Hythe Lane. The nearest properties are approximately 0.4km to the south west. It

should be remembered that the site and New Hythe Lane was designed as a district distributor road and historically accommodated a significantly high number of HGV traffic associated with the paper mill.

- 6.11 Hours of operation-the submitted application shows that the hours of operation would be from 0600-1800 Mondays to Fridays and 0600-1300 on Saturdays. It is noted that this represents a very early and unsociable start time for vehicles approaching and leaving the site, especially when they would have to pass by residential properties in the upper part of New Hythe Lane. However, HGVs are prevented from using this route by the weight restriction near the motorway on New Hythe Lane. In addition it is noted that the applicants' current hours of operation as outlined on their waste licence specifies an 0800 start. There do not however appear to be any restrictive planning conditions relating to the hours of operation for the last use of the application site. Bearing in mind the above concerns therefore, it is recommended that KCC be advised that the operation of the site should not commence until 0800.
- 6.12 Air Quality-the assessment has considered nuisance dust effects during the construction and operational phases including changes in traffic flow on the local road network. Modelling has been undertaken at residential receptors where the greatest impacts are likely. Pollution concentrations at these receptors is expected to be below the relevant objectives except for NO₂ in the Air Quality Management Area. The Air Quality standard objective for NO₂ is already exceeded within these AQMAs and the overall effects of the proposal is considered negligible. The proposed development does not conflict with policies at national, regional or local level.
- 6.13 Noise-the results of the assessment indicate that significantly adverse effects are unlikely to occur as a result of the operation of the proposed metal recycling facility. Enhancement would involve a roller shutter door to be fitted to the woodchip processing factory.
- 6.14 Use of River & Rail for transportation purposes-The applicants do not appear to have indicated that they would be using rail or river to transport metals to the site for recycling. Alternative means of transport should be both considered and encouraged prior to the determination of the application by KCC.
- 6.15 External lighting-night time illumination will be similar to that of the existing adjoining paper mill complex. It is anticipated that the existing 15m high lighting columns with 360 degree luminaries would be retained.
- 6.16 Flood risk-A level 2 assessment has been carried out. A drainage strategy will be designed in accordance with the requirements of the Environment Agency and PPS25.

- 6.17 Draft Unilateral Undertaking-this has been drawn up to ensure that the existing use at Millhall shall cease within 6 months of occupation of the proposed site at New Hythe Lane subject to various restrictions. The Millhall site already has consent for residential use.
- 6.18 Conclusion-The relocation of this productive local business is generally welcomed, having regard to economic and environmental considerations. The proposed operations within the site would not have any adverse impacts in this industrial location which was previously the SCA Cardboard box plant amongst other things and represents a suitable use for this large area of currently redundant land. It is appreciated that the nature of the New Hythe Lane and this part of Larkfield has altered in recent years with the construction of the Leybourne Lakes and Leybourne Park development. Notwithstanding this the DHH has stated that the proposals will have negligible impacts on traffic noise and air quality.
- 6.19 The proposal accords with the saved development plan policies and national guidance including that in PPS10 relating to waste management facilities and protection of the environment. It is recommended that KCC are advised that this Authority raises no objections to the proposal subject to safeguarding conditions covering the matters raised by the East Malling & Larkfield Parish Council, Environment Agency and Southern Water, as outlined in their responses.

7. Recommendation:

- 7.1 **Raise No Objections** in accordance with the following submitted details: Letter dated 14.09.2011, Letter dated 14.09.2011, Letter dated 22.09.2011, Letter dated 23.09.2011, Letter AMENDMENTS dated 28.09.2011, Letter AMENDMENTS dated 28.09.2011, Notice ARTICLE 11 NOTICE dated 28.09.2011, Notice dated 27.09.2011, Report APPENDIX 2 dated 14.09.2011, Location Plan JER5195-001 dated 14.09.2011, Site Plan ASM/SCA/SP/02/B dated 28.09.2011, Topographical Survey ASM/SCA/SP/03 dated 14.09.2011, Section ASM/SCA/SP/04/A dated 14.09.2011, Floor Plan ASM/SCA/SP/05/B dated 14.09.2011, Drainage Layout ASM/SCA/SP/06/B dated 28.09.2011, Proposed Layout ASM/SCA/SP/07/A dated 28.09.2011, Supporting Statement dated 28.09.2011, Report APPENDIX 1 dated 14.09.2011, Report APPENDIX 3 dated 14.09.2011, Notice APPENDIX 4 dated 14.09.2011, Design and Access Statement APPENDIX 5 dated 14.09.2011, Report APPENDIX 6 dated 14.09.2011, Landscape Statement APPENDIX 7 dated 14.09.2011, Transport Assessment APPENDIX 8 dated 14.09.2011, Noise Assessment APPENDIX 9 dated 14.09.2011, Air Quality And Odour Survey APPENDIX 10 dated

14.09.2011, Flood Risk Assessment APPENDIX 11 dated 14.09.2011, Habitat Survey Report APPENDIX 12 dated 14.09.2011, Archaeological Assessment APPENDIX 13 dated 14.09.2011, Report APPENDIX 14 dated 14.09.2011, Report APPENDIX 15 dated 14.09.2011, subject to:

Informatives

- 1 The applicant should be advised that if the proposal goes ahead, they will need to register with Environmental Health & Housing Services under the provisions of the Scrap Metal Dealers Act 1964.
- 2 If the proposal goes ahead it will be necessary for the applicant to register an exemption with the Environment Agency. You are referred to the Environment Agency for further advice/information on this particular matter.
- 3 It is recommended that the Woodchip Processing Facility should be fitted with a roller shutter door and this should be required to be closed before any machinery therein is operated. All vehicles operating at the site should be fitted with broadband reversing alarms to minimise the disturbance to Noise Sensitive Receptors.
- 4 The hours of operation should be revised to 0800-1300 Monday-Friday, 0800-1300 Saturdays with no working on Sundays or Public and Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.
- 5 As far as practicable use should be made of the River Medway and the adjacent railway line to transport materials to the site for recycling.
- 6 The applicant should be advised to encourage visitors to the site to avoid routes through residential areas.

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